

23 April 1968

MEMORANDUM FOR THE RECORD

SUBJECT: Outline for Legal Counsel Effort, April-July 1968

- REFERENCES:
- A. Memorandum for the Record, 19 April 1968, "New Military Field Courts"
  - B. Memorandum, 13 April 1968, ACoFS, CORDS to D/PHOENIX, re Magistrate Review
  - C. Memorandum for the Record, 23 April 1968, "Civilian Security Suspects, Legal Review of Cases"
  - D. Memorandum for the Record, 22 April 1968, "Legal Processing of Civilian Security Suspects"
  - E. Memorandum for the Record, 22 April 1968, "Investigation in II Corps"
  - F. Memorandum for the Record, 19 April 1968, "Meeting With Minister of Justice".

1. First work priority, orally assigned by Ambassador Komer, is to get decisions and action on the matter of the additional Military Field Courts which were authorized by Decree-Law No. 43/67 of 30 October 1967. Efforts have begun in this regard, as reported in Reference A.

2. Mr. Colby requested in Reference B investigation of the feasibility of magistrate level review of the cases of Civilian Security Suspects (CSS's) to determine if sufficient evidence exists to justify further detention and proceedings. Study is being made on this subject, as reported in Reference C.

3. The legal processing of CSS's by GVN authorities is an area of great importance, obscurity, difficulty and dissatisfaction. From a legal standpoint, the focus here is on the improper release and (the other side of the coin) the improper retention of detainees. Some of the greatest inadequacies exist at the District level. It is there also that our understanding of the legal processes is most inadequate. Consequently, an investigative effort is being attempted at that level. (Reference D). Mr. Robert F. Gould, a

Vietnamese speaking attorney, departed today for II Corps, in accordance with the instructions contained in Reference E. Recommendations to improve legal processing will be formulated, based on the results of our investigations.

4. In view of the close relationship between legal processing and the areas of screening and intelligence information on individuals, we will work closely with persons assigned to those fields and may undertake joint investigative efforts.


5. In the field of legislation, drafts of a Code of Criminal Law and a Code of Criminal Procedure have been prepared by the GVN, with collaboration by the Public Administration Division of USAID. Copies of these drafts have been obtained and the provisions thereof which relate to the National Security will be reviewed and commented upon.

6. The Handbook on National Security Laws and Procedures, prepared last December and since disseminated to the field, will be reviewed and then supplemented as may be required. Study also will be made as to feasible and appropriate means to orient and inform GVN province and district officials on the laws and regulations in this field, so as to improve their official performance.

7. Ad hoc requirements in the legal field will be serviced, as was done in Reference F. It is expected that there will be some legal work in connection with administrative matters.

8. Considerable time has been spent initially in assembling the personnel and facilities necessary to carry out the program outlined. Attorneys now assigned are Miss Frances L. Meegan, Mr. Robert F. Gould and the undersigned. Office space has been found in the Old Embassy. Furnishings, supplies and other necessary facilities are now being arranged.

9. Comments are invited as to how the legal effort can be most usefully implemented and carried out.

  
Legal Counsel

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